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T.R.A. DOCKET ROOM

November 26, 2003

Ms. Kim Beals  
Hearing Officer  
Tennessee Regulatory Authority  
460 James Robertson Ave.  
Nashville, Tennessee

Re: *Complaint of US LEC Against Electric Power Board of Chattanooga*  
*Docket No. 02-00562*

Dear Ms. Beals:

On Friday, November 21, 2003, US LEC filed its direct testimony in the above-captioned proceeding. The testimony addressed only the first of the three issues listed in your procedural Order of October 9, 2003. As you noted in the Order, the parties have been trying to resolve the other two issues and, in fact, have now done so.

Regarding issue 2, whether EPB has denied US LEC and other CLECs access to facilities, EPB has agreed to offer US LEC access to facilities, including building entrance facilities, under the same terms and conditions as EPB provides those facilities to its telecommunications division. The parties anticipate filing a stipulation on this point.


Regarding issue 3, whether EPB is bound by T.C.A. § 65-4-124 (a), US LEC has agreed to withdraw that issue, without prejudice to the right of US LEC to raise the issue again in this or a separate complaint.

Thank-you for your patience in allowing the parties time to settle these two matters.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/pp

CC: Mark Smith  
Guy Hicks

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11/26/2003

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